



# Overview Report:

## Early Protest Activities and Legal Challenges Relating to Public Health Measures

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## Summary of Report

The following Overview Report summarizes a sample of protests and legal challenges relating to COVID-19 public health measures and mandates from 2020-2021 and predating the COVID-19 pandemic. The report also touches on the origins of the Freedom Convoy and its movement to Ottawa.

## Note to Reader

Pursuant to Rules 41-45 of the Commission's Revised Rules of Practice and Procedure, the following Overview Report contains a summary of background facts and documents relating to the Commission's mandate.

Overview Reports allow facts to be placed in evidence without requiring those facts and related documents to be presented orally by a witness during the public hearings. The Overview Report may be used to assist in identifying issues relevant to the Commission, make findings of fact and enable recommendations to be made by the Commission.

The Parties with standing at the Commission have been provided an opportunity to comment on the accuracy of this Overview Report. Commission Counsel and the Parties may call evidence from witnesses at the Inquiry that casts doubt on the accuracy of the content of the documents underlying this Overview Report. The Parties may also make submissions regarding what, if any, weight should be given to the Overview Report and the cited documents.

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# Overview Report: Early Protest Activities and Legal Challenges to Public Health Measures

## 1. Introduction

1. The origins of the COVID-19 Pandemic and a narrative of public health measures adopted in response to the COVID-19 Pandemic are addressed in *Overview Report: The COVID-19 Pandemic and Government Responses*. Briefly, COVID-19 was first identified in December 2019 in China. The first cases of COVID-19 in Canada were identified in January 2020. On January 30, 2020, the World Health Organization declared a Public Health Emergency of International Concern. In March 2020, each province and territory declared public health emergencies in response to the spread of COVID-19. Federal, provincial, territorial, and local governments in Canada adopted a range of public health measures, including restrictions on travel, school closures, gathering limits, closure of businesses and other places, and masking requirements.<sup>1</sup>

2. Protests against public health measures began to materialize in Canada within a month of the introduction of such measures and have persisted throughout the COVID-19 Pandemic. The purpose of this overview report is to provide a concise description of some of these protest activities along with a brief description of select legal challenges to various pandemic-related public health measures. This overview report is not intended to capture or report on all protest activities and legal challenges relating to the

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<sup>1</sup> Public Order Emergency Commission, *Overview Report: The COVID-19 Pandemic and Government Responses*.

COVID-19 Pandemic. Rather, it is intended to present a representative sample and provide some context for the protests and demonstrations that took place in Canada in January and February 2022. The report begins with a brief description of a related pre-COVID-19 protest movement, the United We Roll convoy, before moving on to a description, in chronological fashion, of protest movements and legal challenges in 2020 and 2021.

3. The Department of Justice, National Litigation Sector, provided the Commission with a table of court challenges related to vaccine mandates and quarantine measures. The table is attached as Appendix A.

## 2. Pre-COVID-19 Protest Movements

4. On February 14, 2019, a convoy of trucks known as “United We Roll” left Red Deer, Alberta, bound for Ottawa to protest the federal government’s energy policies.<sup>2</sup> CBC reported that around 170 trucks of varying sizes left Red Deer as part of the convoy.<sup>3</sup> Arriving in Ottawa on February 19, 2019, United We Roll participated in two days of demonstrations on and around Parliament Hill before dispersing.<sup>4</sup> A “United We

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<sup>2</sup> Taylor Blewett, “United We Roll Protest: Truck convoy ends Hill rally, gears up for Day 2”, Ottawa Citizen, February, 20 2019, **COM00000446**.

<sup>3</sup> CBC News, “‘We’ve been treated unfairly’: Truck convoy sets off from Alberta to protest Ottawa’s oil and gas policies”, February, 14, 2019, **COM00000450**.

<sup>4</sup> Janice Dickson, “Scheer extends support to pro-pipeline, anti-carbon tax convoy on Parliament Hill”, The Globe and Mail, February 19, 2019, **COM00000447**; Taylor Blewett, “United We Roll Protest: Truck convoy ends Hill rally, gears up for Day 2”, Ottawa Citizen, February, 20 2019, **COM00000446**; Dave Dormer, “United We Roll convoy ‘100%’ successful, says organizer, despite concerns over funds raised”, CBC, February, 23, 2019, **COM00000448**.

Roll for Canada” Facebook page remains active.<sup>5</sup> Although still focused on energy policy, the Facebook page regularly makes and/or shares posts critical of public health measures taken by Canadian governments in response to the COVID-19 Pandemic and in support of the Freedom Convoy in 2022.<sup>6</sup>

### 3. Protests Against Public Health Measures in 2020

5. Protests against public health measures emerged within a month of their introduction. On April 25, 2020, a protest was held at Ontario’s legislature in Toronto. CTV News and the National Post reported that about 100 people gathered to demand an end to Ontario’s public health measures.<sup>7</sup>

6. On April 26, 2020 protesters marched through Vancouver’s West End. CTV News reported that around 50 people rallied against public health measures.<sup>8</sup>

7. On April 30, 2020, protesters gathered at the Alberta legislature in Edmonton. The Edmonton Journal reported “[a]round 200 attendees” were present to protest the

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<sup>5</sup> The Facebook group “United We Roll for Canada” (**COM00000578**) was created on February 27, 2019. The administrators and moderators for the group include Glen Carritt and Haley Wile. The group had 7,776 Facebook members as of August 22, 2022.

<sup>6</sup> For example, on February 18, 2022, Glen Carritt posted a video to the group’s page in support of the occupation in Ottawa and drawing links to the United We Roll convoy in 2019: **COM00000583**.

<sup>7</sup> Chris Herhalt, “‘A bunch of yahoos,’ Ont. Premier says of people protesting COVID-19 emergency measures”, CTV News, April 25, 2020, **COM00000449**; “Ford calls anti-lockdown protesters ‘reckless’ as he unveils new support for front-line workers”, National Post, April 25, 2020, **COM00000451**.

<sup>8</sup> Jen St. Denis, “Protesters march against COVID-19 prevention measures in Vancouver”, CTV News, April 26, 2020, **COM00000452**.

lockdown and other public health measures.<sup>9</sup> The Edmonton Journal also reported that a “convoy of vehicles with the group United We Roll honked while driving around the legislature”.<sup>10</sup>

8. On May 2, 2020, protesters gathered at the Ontario legislature in Toronto to protest public health measures.<sup>11</sup> CBC News reported an estimated attendance of over 300 people.<sup>12</sup>

9. On May 9, 2020, a group of around 70 protesters demonstrated against lockdowns outside the Manitoba legislature in Winnipeg.<sup>13</sup>

10. On July 19, 2020, protests were held in cities across Canada.<sup>14</sup> CTV News reported that protests in Vancouver, Calgary, Saskatoon, Winnipeg and Ottawa were part of a coordinated “March to Unmask” movement opposed to mandatory masking.

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<sup>9</sup> Lauren Boothby, “Hundreds flock to Alberta legislature to protest COVID-19 restrictions”, Edmonton Journal, April 30, 2020, **COM00000453**.

<sup>10</sup> Lauren Boothby, “Hundreds flock to Alberta legislature to protest COVID-19 restrictions”, Edmonton Journal, April 30, 2020, **COM00000453**.

<sup>11</sup> “Anti-lockdown protestors take to Queen’s Park again”, City News, May 2, 2020, **COM00000455**.

<sup>12</sup> Muriel Draaisma, “Anti-lockdown protesters irk premier by turning Canadian flag upside down”, CBC, May 2, 2020, **COM00000454**.

<sup>13</sup> Dana Hatherly, “Anti-lockdown supporters rally against COVID-19-related restrictions outside Manitoba legislature”, CBC, May 9, 2020, **COM00000456**.

<sup>14</sup> Nicole Bogart, “Anti-mask rallies held across Canada despite increased support for mandatory masks”, CTV News, July 20, 2020, **COM00000458**.

11. On August 8, 2020, protesters marched in Montreal. CBC News reported that “[t]housands of demonstrators” attended to protest Quebec’s mandatory masking rules.<sup>15</sup>
12. On August 29, 2020, protesters rallied on Parliament Hill in Ottawa. CBC News reported that “hundreds” of people were in attendance to demonstrate against public health measures. The protest was one of several that took place across the world, which included protests by thousands in London, United Kingdom, and tens of thousands in Berlin, Germany.<sup>16</sup>
13. On September 12, 2020, CBC reported that “[s]everal thousand people” turned out to protest mask mandates and other public health measures in Montreal.<sup>17</sup>
14. On September 26, 2020, the Toronto Sun reported that “[h]undreds” of protesters gathered in downtown Toronto to demonstrate against lockdowns.<sup>18</sup>
15. On October 18, 2020, protesters rallied against lockdowns and other public health measures in downtown Toronto. CBC News reported that 1,500 people were in attendance.<sup>19</sup>

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<sup>15</sup> “Thousands rally in downtown Montreal to protest Quebec's mandatory mask rules”, CBC, August 8, 2020, **COM00000460**.

<sup>16</sup> CBC News, Global rally against COVID-19 safety measures comes to Parliament Hill, Aug 29, 2020, **COM00000457**.

<sup>17</sup> Raisa Patel and Davit Thurton, “Anti-mask protest in Montreal draws large crowd, propelled by U.S. conspiracy theories”, CBC, September 12, 2020, **COM00000462**.

<sup>18</sup> Veronica Henri, “Anti-lockdown protesters believe COVID restrictions threaten freedom”, Toronto Sun, September 26, 2020, Toronto Sun, **COM00000459**.

<sup>19</sup> “Ontario sees 658 new COVID-19 cases, majority in Toronto and surrounding regions Social Sharing”, CBC, October 18, 2020, **COM000000461**.



16. On November 7, 2020, as many as 2,000 people marched through Aylmer, Ontario, to protest public health measures adopted to address the COVID-19 Pandemic. The CBC reported that the marchers included many people from the town's large religious communities.<sup>20</sup>

17. From November 24 to 26, 2020, a restaurant owner in Etobicoke invited patrons to his restaurant in protest of indoor dining restrictions adopted by the Ontario government. A “crowd of supporters”, allegedly assisted by the owner, reportedly broke their way into the restaurant.<sup>21</sup> The Globe and Mail reported that “[r]anks of police, including mounted police, formed a wall to keep anti-lockdown protesters away” as police removed the owner from his restaurant.<sup>22</sup>

18. On December 7, 2020, the Justice Centre for Constitutional Freedoms (JCCF) filed a challenge to Alberta’s public health measures for alleged contravention of the *Alberta Bill of Rights*, the *Charter*, and other alleged constitutional requirements.<sup>23</sup> On January 8, 2021, the Alberta Court of Queen’s Bench dismissed an application for an interlocutory injunction.<sup>24</sup>

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<sup>20</sup> Kate Dubinski, “2,000 people march through Aylmer, Ont., to protest COVID-19 health measures”, CBC, November 7, 2020, **COM00000467**.

<sup>21</sup> Joshua Freeman and Kerrisa Wilson, “Toronto BBQ restaurant owner facing new charges for again defying COVID-19 lockdown rules”, CTV News, November 26, 2020, **COM00000464**.

<sup>22</sup> Colin Freeze, “Adamson BBQ owner Adam Skelly charged by Toronto police for flouting COVID-19 lockdown”, The Globe and Mail, November 26, 2020, **COM00000463**.

<sup>23</sup> *Ingram v Alberta*, Originating Application, **COM00000465**.

<sup>24</sup> *Ingram v Alberta (Chief Medical Officer of Health)*, 2020 ABQB 806, **COM00000555**.

19. On December 12, 2020, hundreds of protestors rallied against mask mandates and lockdowns in Calgary. CTV News reported that the estimated 350 participants represented a “drastic decrease from previous gatherings” in Calgary.<sup>25</sup>

20. On December 19, 2020, hundreds of people marched through the streets of Montreal. CTV News reported that the protestors opposed municipal and provincial public health measures put in place in response to the COVID-19 pandemic.<sup>26</sup> The Saskatoon Star Phoenix reported that, on the same day, “[m]ore than 100 people” protested in Saskatoon, Saskatchewan against public health measures introduced by the Saskatchewan government.<sup>27</sup>

#### 4. Protests Against Public Health Measures in 2021

21. On January 9, 2021, Quebec introduced a curfew between 8:00 p.m. and 5:00 a.m. Every person was required to remain in their residence unless it was necessary to leave for one of 11 approved reasons, including work, healthcare and schooling. Non-essential businesses were also closed. CBC News reported protests against the curfew in Montreal, Sherbrooke and Quebec City.<sup>28</sup>

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<sup>25</sup> Timm Bruch and Michael Franklin, “Anti-mask protesters take to the streets in Calgary to fight COVID-19 restrictions”, CTV News, December 12, 2020, **COM00000466**.

<sup>26</sup> Daniel J. Rowe, “Police hand out hundreds of fines at Montreal anti-lockdown demonstration”, CTV News, December 20, 2020, **COM00000468**.

<sup>27</sup> Matt Olson, “Saskatoon police monitoring “freedom rally” protest after previous events resulted in fines for violating public health orders”, Saskatoon Star Phoenix, December 20, 2020, **COM00000469**.

<sup>28</sup> Isaac Olson, “Quebec’s COVID-19 curfew officially takes effect”, CBC, January 9, 2021, **COM00000471**.

22. On January 16, 2021, Toronto police made 3 arrests at an anti-lockdown and anti-mask protest in downtown Toronto. CBC News reported that a “large group” attended the rally in violation of Ontario’s recently re-introduced stay-at-home order.<sup>29</sup> CTV News reported that “[h]undreds of protesters could be seen marching” in downtown Toronto.<sup>30</sup>
23. On January 23, 2021, Toronto police arrested 10 people at an anti-lockdown rally in downtown Toronto in which protesters rallied against Ontario’s stay-at-home order and other public health measures.<sup>31</sup>
24. On January 24, 2021, an estimated 25 protesters gathered in Moncton, New Brunswick to protest public health measures. Global News reported that police issued several tickets for offences under New Brunswick’s *Emergency Measures Act* and Police arrested three protesters.<sup>32</sup>
25. On February 14, 2021, between 150 to 200 protesters gathered on Parliament Hill in Ottawa to protest against lockdowns and other public health measures.<sup>33</sup>

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<sup>29</sup> “3 arrested, 18 failure to comply charges laid amid Toronto anti-lockdown protests”, CBC, January 16, 2021, **COM00000470**.

<sup>30</sup> Bryann Aguilar, “Anti-lockdown protests downtown were 'not safe,' Tory says”, CTV News, January 16, 2021, **COM00000472**.

<sup>31</sup> “Today’s coronavirus news: Toronto police arrest, lay charges after anti-lockdown rally held at Yonge-Dundas Square; The Beer Store temporarily closes one of its locations after employee tests positive”, Toronto Star, January 23, 2021, **COM00000474**.

<sup>32</sup> Callum Smith, “New charges laid, bail granted to 2 people after anti-COVID-19 measures protest in Moncton”, Global News, January 28, 2021, **COM00000478**.

<sup>33</sup> Bruce Deachman, “Parliament Hill anti-lockdown protest attracts small but vociferous crowd”, Ottawa Citizen, February 14, 2021, **COM00000473**.

26. On February 17, 2021, British Columbia sought an interlocutory injunction in a proceeding commenced by persons in British Columbia seeking to quash certain restrictions on gatherings, including religious gatherings. British Columbia sought the injunction to restrain various members of faith-based communities in British Columbia, including the petitioners, from gathering in accordance with their spiritual beliefs. The Supreme Court of British Columbia dismissed British Columbia's application for an interlocutory injunction.<sup>34</sup> Subsequently, the Supreme Court of British Columbia held that certain measures restricting gathering sizes unjustifiably infringed the freedoms of peaceful assembly and association, but not the freedom of religion.<sup>35</sup>

27. On February 20, 2021, hundreds of anti-mask and anti-lockdown protesters rallied outside of the Alberta legislature in Edmonton as part of a "Walk for Freedom".<sup>36</sup> City News Edmonton reported that some of the protesters traveled to Edmonton as part of a convoy that originated in Lethbridge, Alberta.<sup>37</sup>

28. Also on February 20, 2021, CTV News Winnipeg reported that around a hundred protestors demonstrated outside of the Canadian Museum for Human Rights in Winnipeg to demand an end to lockdowns and other public health measures.<sup>38</sup>

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<sup>34</sup> *Beaudoin v British Columbia*, 2021 BCSC 248, **COM00000607**.

<sup>35</sup> *Beaudoin v British Columbia*, 2021 BCSC 512, **COM00000609**.

<sup>36</sup> "Anti-restriction protesters gather at legislature, march in streets with tiki torches", City News, February 20, 2021, **COM00000552**.

<sup>37</sup> "Anti-restriction protesters gather at legislature, march in streets with tiki torches", City News, February 20, 2021, **COM00000552**.

<sup>38</sup> Touria Izri, "Anti-lockdown rally held outside Canadian Museum for Human Rights", CTV News, February 20, 2021, **COM00000476**.

29. On February 27, 2021, protesters demonstrated outside of Calgary's city hall. City News Calgary estimated 400 people attended to protest lockdowns and mask mandates as part of another "Walk for Freedom".<sup>39</sup>

30. On March 8, 2021, the Canadian Constitution Foundation (CCF) launched a legal challenge to a 14-day federal government hotel quarantine requirement for travellers entering Canada.<sup>40</sup> The CCF alleged that the federal government's hotel quarantine requirement unjustifiably infringed Canadians' freedom of mobility, right to liberty, right not to be arbitrarily detained, and right not to be subject to cruel and unusual punishment. On March 22, 2021, the Ontario Superior Court rejected a motion for an interim injunction.<sup>41</sup> On July 5, 2021, the Ontario Superior Court dismissed the CCF's application for judicial review, finding no breach of the *Charter*.<sup>42</sup>

31. On March 20, 2021, over 500 protesters gathered in Kelowna, British Columbia. Global News reported the event was part of a "World Wide Rally for Freedom and

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<sup>39</sup> "Tiki torches, Trump flags, no masks: anti-lockdown protesters march in downtown Calgary", City News, February 27, 2021, **COM00000475**.

<sup>40</sup> Canadian Constitution Foundation, Quarantine prison hotel challenge, March 8, 2021, **COM00000477**.

<sup>41</sup> *Canadian Constitution Foundation v Attorney General of Canada*, 2021 ONSC 2117, March 22, 2021, **COM00000553**.

<sup>42</sup> *Canadian Constitution Foundation v Attorney General of Canada*, 2021 ONSC 4744, July 5, 2021, **COM00000554**.

Democracy” against COVID-19 related public health measures.<sup>43</sup> Hundreds reportedly gathered in London, Ontario also as part of the “World Wide Rally”.<sup>44</sup>

32. On April 7, 2021, the JCCF filed a constitutional challenge in the Court of Queen’s Bench of Saskatchewan alleging that Saskatchewan’s restrictions on the size of public gatherings were unconstitutional. JCCF filed the challenge on behalf of two individuals ticketed for violating the measures. JCCF alleged that the restrictions limiting gathering size to no more than 10 persons unjustifiably infringed the freedoms of assembly, association, expression, thought, belief and opinion protected by the *Charter*.<sup>45</sup>

33. On April 11, 2021, a “couple hundred” protestors demonstrated at courthouse park in Calgary, Alberta. CTV News reported that the protestors opposed the Alberta government’s recently re-introduced public health measures aimed at the COVID-19 Pandemic.<sup>46</sup> The National Post reported that hundreds of people attended in protest at the closure of a church in the Edmonton area that had been operating allegedly in defiance of public health measures. The National Post also reported that a protest was held in Montreal against Quebec’s curfew.<sup>47</sup>

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<sup>43</sup> Doyle Potenteau and Darrian Matassa-Fung, “Massive crowd gathers in downtown Kelowna for ‘freedom’ protest rally”, Global News, March 20, 2021, **COM00000482**.

<sup>44</sup> Andrew Graham, “Charges laid 1 month after ‘freedom’ rally in downtown London, Ont.”, Global News, April 19, 2021, **COM00000488**.

<sup>45</sup> *Grandel v Saskatchewan*, Originating Application, April 7, 2021, **COM00000479**.

<sup>46</sup> Tyson Fedor, “Anti-lockdown protestors fighting for Alberta small businesses”, CTV News, April 11, 2021, **COM00000480**.

<sup>47</sup> Tyler Dawson, “Lockdown fatigue is giving way to protests and defiance across the country”, National Post, April 12, 2021, **COM00000484**.

34. On April 17, 2021, protesters gathered at The Forks in Winnipeg to protest public health measures. CBC News reported that “[h]undreds of people” attended.<sup>48</sup> Over 400 protesters demonstrated in Hamilton, Ontario against public health measures.<sup>49</sup>
35. On April 25, 2021, the Winnipeg Sun reported that “[s]everal hundred people took part in a rally at The Forks to demonstrate their opposition to public health measures.”<sup>50</sup>
36. On April 29, 2021, the City of Barrie, Ontario, ordered the closure and fencing off of Meridian Place, reportedly in an effort to stop recurring protests in the city’s downtown that draw “hundreds of people” to protest public health measures.<sup>51</sup>
37. On May 1, 2021, thousands of protesters marched in Montreal against public health measures. David Freiheit, posting under the pseudonym “Viva Frei”, posted a video on YouTube documenting the protest march, which he reported included tens of thousands of participants.<sup>52</sup>
38. On May 1, 2021, more than 200 protesters in Barrie, Ontario reportedly marched in a “Freedom Rally” against public health measures.<sup>53</sup>

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<sup>48</sup> “Hundreds protest Manitoba’s COVID-19 public health orders at The Forks”, CBC, April 17, 2021, **COM00000483**.

<sup>49</sup> Don Mitchell, “Organizers of 2 Hamilton events protesting COVID-19 restrictions face charges: police”, Global News, April 19, 2021, **COM00000489**.

<sup>50</sup> “Hundreds take part in rally at Forks to protest public health orders”, Winnipeg Sun, April 25, 2021, **COM00000485**.

<sup>51</sup> Kim Phillips, “Despite city barriers to block ‘Barrie Freedom Rally,’ organizer vows it will go ahead”, CTV News, April 29, 2021, **COM00000486**.

<sup>52</sup> Viva Frei, Youtube, May 1, 2021, (url: [https://www.youtube.com/watch?app=desktop&v=Thd7mzpw\\_W8](https://www.youtube.com/watch?app=desktop&v=Thd7mzpw_W8)).

<sup>53</sup> Cheryl Browne, “Hundreds of anti-lockdown, anti-mask protesters take to the streets again in downtown Barrie”, Toronto Star, May 1, 2021, **COM00000487**.



39. On May 1-2, 2021, a “couple of thousand people” attended a rodeo in Bowden, Alberta reportedly held to protest public health measures.<sup>54</sup>

40. On May 14, 2021, the Attorney General of Nova Scotia obtained an injunction from the Nova Scotia Supreme court enjoining “Freedom Nova Scotia” and other unknown persons from organizing protests that contravened Nova Scotia’s public health measures.<sup>55</sup> The Nova Scotia Government’s press release noted that rallies had occurred in the greater Halifax area on March 28, April 1, and May 1, 2021.<sup>56</sup>

41. On May 15, 2021, a protest in downtown Toronto attracted over 5,000 protesters to demonstrate against public health measures.<sup>57</sup> In Ottawa, 500 people were reported to have rallied to protest public health measures.<sup>58</sup>

42. On June 22, 2021, the Supreme Court of Nova Scotia granted the Attorney General of Nova Scotia’s request to discontinue the injunction against protesting that the Attorney General had obtained on May 14, 2021.<sup>59</sup> Canadian Civil Liberties

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<sup>54</sup> Andrew Woo, “Alberta ‘no more lockdowns’ rodeo held despite restrictions, sky-high case counts”, *Globe & Mail*, May 2, 2021, **COM00000492**; Sarah Rieger, “Alberta Health Services explores legal options after hundreds attend rodeo”, *CBC*, May 2, 2021, **COM00000490**.

<sup>55</sup> *Nova Scotia (Attorney General) v. Freedom Nova Scotia*, 2021 NSSC 170, **COM00000558**.

<sup>56</sup> *Nova Scotia, Injunction Granted to Stop Anti-Vaccine, Anti-Lockdown Protests*, May 14, 2021, **COM00000491**.

<sup>57</sup> Breanna Xavier-Carter, “Charges laid at two massive protests in downtown Toronto on Saturday”, *Toronto Star*, May 17, 2021, **COM00000494**.

<sup>58</sup> “Anti-lockdown protest marches through downtown Ottawa”, *CBC*, May 15, 2021, **COM00000493**.

<sup>59</sup> *Nova Scotia (Attorney General) v. Freedom Nova Scotia*, 2021 NSSC 217 at para 13, **COM00000560**.



Association (CCLA) nonetheless sought to challenge the legality of the May 14, 2021 injunction. On June 30, 2021, the Supreme Court of Nova Scotia ruled that the CCLA's challenge was moot.<sup>60</sup> An appeal from that decision is pending in the Nova Scotia Court of Appeal.<sup>61</sup>

43. On June 4, 2021, the Alberta Health Services (“AHS”) obtained an injunction from the Court of Queen’s Bench of Alberta enjoining organizers from holding a second rodeo to protest Alberta’s public health measures.<sup>62</sup> AHS had previously obtained an injunction reportedly allowing law enforcement to act immediately to stop public gatherings that contravened public health orders in Alberta, following what the Edmonton Journal described as “several high-profile instances of months-long flagrant defiance of Alberta’s health rules...”<sup>63</sup>

44. Also on June 4, 2021, CBC News reported that “[a]nti-lockdown rallies” had been held “over several weeks in the southern Ontario region”, including Kitchener-Waterloo, and with more demonstrations planned in the coming days.<sup>64</sup>

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<sup>60</sup> *Nova Scotia (Attorney General) v. Freedom Nova Scotia*, 2021 NSSC 217 at para 38, **COM00000560**.

<sup>61</sup> Lyndsay Armstrong, “Canadian Civil Liberties Association challenging Nova Scotia COVID-19 protest ban”, CTV News, April 11, 2022, **COM00000481**.

<sup>62</sup> Meghan Grant and John Gibson, “Injunction granted against 2nd rodeo protesting Alberta’s COVID-19 restrictions”, CBC, June 4, 2021, **COM00000498**.

<sup>63</sup> Edmonton Journal, Alberta RCMP say court injunction allows law enforcement to immediately crack down on illegal public gatherings, May 7, 2021, **COM00000608**.

<sup>64</sup> Kate Bueckert, “Avoid Waterloo anti-lockdown rally this weekend, officials urge, as Maxime Bernier expected to attend”, CBC, June 4, 2021, **COM00000495**.

45. On June 6, 2021, an anti-lockdown march in Montreal reportedly drew “several thousand protesters”. The Montreal Gazette reported that the protesters rallied to “denounce public health restrictions during the pandemic.”<sup>65</sup>
46. On June 23, 2021, Royal Canadian Mounted Police officers dispersed a reportedly “large group of protesters” at the main border crossing between Nova Scotia and New Brunswick.<sup>66</sup> The group protested a quarantine and COVID-19 testing requirements imposed by Nova Scotia on New Brunswick travellers by blockading the border crossing with vehicles, blocking traffic into Nova Scotia.<sup>67</sup>
47. On July 24, 2021, Al Jazeera reported that “[t]ens of thousands of people across several countries” protested against public health measures, including an estimated 160,000 in nationwide protests in France.<sup>68</sup>
48. On August 14, 2021, thousands gathered in Montreal to protest vaccine mandates and public health measures.<sup>69</sup> A group of about 100 protesters rallied in Halifax against vaccine mandates.<sup>70</sup>

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<sup>65</sup> “Anti-lockdown march in Montreal draws several thousand protesters”, Montreal Gazette, June 6, 2021, **COM00000496**.

<sup>66</sup> “Arrests made at N.B.-N.S. border as RCMP break up blockade, reopen border”, CBC, June 23, 2021, **COM00000499**.

<sup>67</sup> Elizabeth McMillan, “N.B.-N.S. border remains closed due to protest about isolation requirements”, CBC, June 23, 2021, **COM00000500**.

<sup>68</sup> “Thousands protest amid global anger against COVID restrictions”, Al Jazeera, July 24, 2021, **COM00000502**.

<sup>69</sup> Daniel J. Rowe, “Thousands gather in Montreal to voice displeasure at Quebec’s impending COVID-19 vaccine passport”, CTV News, August 14, 2021, **COM00000503**.

<sup>70</sup> Aly Thomson, “Protesters gather in Halifax to oppose vaccine passports in Nova Scotia”, CBC, August 14, 2021, **COM00000501**.

49. On August 16, 2021, the Governor General, Her Excellency the Right Honourable Mary Simon, dissolved the Parliament of Canada and issued writs of election calling a federal election.<sup>71</sup>
50. On August 27, 2021, Liberal leader Justin Trudeau's campaign cancelled an event in Bolton, Ontario, reportedly because of security concerns from protesters opposed to public health measures adopted in response to the COVID-19 Pandemic.<sup>72</sup> Conservative leader Erin O'Toole and NDP leader Jagmeet Singh denounced the protests.<sup>73</sup>
51. On August 28, 2021, thousands marched in Montreal to protest vaccine mandates and public health measures in Quebec.<sup>74</sup>
52. On August 30, 2021, truck drivers in Australia began blockading parts of the Gold Coast Highway as a protest in response to mandatory vaccine requirements and lockdowns.<sup>75</sup> Canadian James Bauder made a post on his Facebook page, referencing the protests in Australia, and calling out to "all...TRUCKERS...COAST 2 COAST" in

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<sup>71</sup> Rachel Aiello, "Trudeau calls federal election, voters to go to polls Sept. 20", CTV News, August 15, 2021, **COM00000506**; *Proclamation Dissolving Parliament*, Can Gaz, Part II, Vol. 155, No. 6, August 16, 2021, **COM00000504**.

<sup>72</sup> Jim Bronskill and Jordan Press, "Second week of campaign ends with Trudeau rally cancelled for safety concerns", CTV News, August 27, 2021, **COM00000509**.

<sup>73</sup> Joan Bryden, "O'Toole, Singh denounce aggressive protesters dogging Trudeau campaign", CTV News, August 26, 2021, **COM00000510**.

<sup>74</sup> Sabrina Jones, "Thousands march in Montreal against mandatory vaccines for health workers, vaccination passport", CBC, August 28, 2021, **COM00000508**.

<sup>75</sup> Ellen Ransley, "Truck drivers begin protest action over vaccines, borders, lockdown on Gold Coast Highway", News.com.au, August 30, 2021, **COM00000513**; James Graham, "Huge truckie protest rally underway on the Gold Coast", BigRigs.com.au, August 30 2021, **COM00000511**.

Canada to participate in a “CANADA UNITY Convoy” from Calgary to Ottawa.<sup>76</sup> Mr.

Bauder expressed the aims of the convoy in Canada as “No Vax Passports...No Masks [sic] Mandates...No more Lockdowns CANADA WIDE.”<sup>77</sup>

53. Also on August 29, 2021, Liberal leader Justin Trudeau’s campaign stop in Cambridge, Ontario was met with further protests.<sup>78</sup>

54. The development and approval of COVID-19 Vaccines is addressed in *Overview Report: The COVID-19 Pandemic and Government Responses*. Briefly, beginning in the fall of 2020, various pharmaceutical companies applied to Health Canada for authorization of their respective vaccines. Health Canada granted authorization to various vaccines from December 2020 onward.<sup>79</sup>

55. In September 2021, after vaccines had become generally available to the public, authorities across Canada began adopting vaccine-related rules, policies and guidelines. These included measures restricting access to public places for

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<sup>76</sup> James Bauder, Facebook Post, August 20, 2021 (URL: <https://www.facebook.com/groups/CanadaUnity/posts/931657194359200>), **COM00000505**.

<sup>77</sup> James Bauder, Facebook Post, August 20, 2021 (URL: <https://www.facebook.com/groups/CanadaUnity/posts/931657194359200>), **COM00000505**.

<sup>78</sup> Spencer Turcotte, “Trudeau met with another protest at campaign stop in Cambridge, Ont.”, CTV News, August 29, 2021, **COM00000515**.

<sup>79</sup> Public Order Emergency Commission, *Overview Report: The COVID-19 Pandemic and Government Responses*.

unvaccinated persons, the termination of unvaccinated persons from their places of work, and travel and movement restrictions for unvaccinated persons.<sup>80</sup>

56. From August 30 to September 5, 2021, protestors demonstrated against vaccine mandates outside hospitals in major urban centres across Canada, including St. John's, Montreal, Ottawa, Winnipeg, Victoria, and Vancouver.<sup>81</sup> CBC News reported that “thousands of people demonstrated” outside hospitals in a half dozen cities in British Columbia.<sup>82</sup> CBC News reported that “hundreds of people” gathered outside of Toronto police headquarters on September 2, 2021, to protest public health measures.<sup>83</sup> CTV News reported that about 2000 people gathered outside Vancouver General Hospital on September 1, 2021 to protest vaccine mandates.<sup>84</sup> City News reported that “[t]housands” of people participated in a march against public health measures, including vaccine passports in Montreal on September 5, 2021.<sup>85</sup>

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<sup>80</sup> Public Order Emergency Commission, *Overview Report: The COVID-19 Pandemic and Government Responses*.

<sup>81</sup> Philip Lee-Shanok, “Protesters against COVID-10 vaccine mandates say they’re pro-freedom, ‘not anti-vax’”, CBC, September 3, 2021, **COM00000516**.

<sup>82</sup> Philip Lee-Shanok, “Protesters against COVID-10 vaccine mandates say they’re pro-freedom, ‘not anti-vax’”, CBC, September 3, 2021, **COM00000516**.

<sup>83</sup> “Vaccines, protests, flashes of normalcy: This is what 2021 looked like in the Toronto area”, CBC, December 25, 2021, **COM00000556**.

<sup>84</sup> “Thousands crowd Vancouver hospital for rally against ‘tyranny’ of vaccine mandates” CTV News, September 1, 2021, **COM00000514**.

<sup>85</sup> “Thousands protest COVID-19 measures and vaccine passport in Montreal”, City News, September 5, 2021, **COM00000517**.

57. On September 12, 2021, protestors rallied outside Calgary's Olympic Plaza.<sup>86</sup>

CTV News Calgary reported that “a thousand Calgarians” attended the rally against the city's vaccine mandate and the province's public health measures.<sup>87</sup> CBC News reported that the demonstration grew to “[r]oughly 2,000 people”.<sup>88</sup>

58. On September 13, 2021, protestors demonstrated outside of Toronto General Hospital. CTV News Toronto reported that the protest was part of a nationwide action in all 10 provinces organized by Canadian Frontline Nurses to oppose vaccine mandates.<sup>89</sup> CTV News reported that protestors rallied at hospitals across Ontario, including in Barrie.<sup>90</sup> Several hundred people attended a rally outside a hospital in London, Ontario.<sup>91</sup> The Toronto Sun reported that a “crowd of about 400 gathered to protest vaccinations and vaccine passports” outside Vancouver City Hall.<sup>92</sup> CBC News reported that “[a]bout 70 protestors and 30 counter-protestors” showed up to protest at

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<sup>86</sup> Mark Villani, “Calgary rally against vaccine mandates and public health restrictions attracts hundreds” CTV News, September 12, 2021, **COM00000520**.

<sup>87</sup> Mark Villani, “Calgary rally against vaccine mandates and public health restrictions attracts hundreds” CTV News, September 12, 2021, **COM00000520**.

<sup>88</sup> Sarah Rieger, “Thousands protest vaccine mandates in Calgary, as hospitals struggle with rising COVID cases”, CBC, September 12, 2021, **COM00000521**.

<sup>89</sup> Sean Davidson, “Anti-vaccine protesters gather outside Toronto General Hospital as part of nationwide action”, CTV News, September 13, 2021, **COM00000525**.

<sup>90</sup> Kim Phillips, “Protestors rally at hospitals across Ontario, including RVH in Barrie”, CTV News, September 13, 2021, **COM00000523**.

<sup>91</sup> James Chaarani, “‘Silent vigil’ loudly protests anti-vaccine mandate at London hospital”, CBC, September 13, 2021, **COM00000522**.

<sup>92</sup> “‘IT’S TERRIFYING’: Police on hand as pandemic protesters picket hospitals, September 13, 2021” Toronto Sun, September 13, 2021, **COM00000529**; Kendra Mangione and Andrew Weichel, “Vaccine card opponents stage another protest outside Vancouver city hall”, CTV News, September 13, 2021, **COM00000527**.

the Royal Alexandra Hospital in Edmonton as part of the nationwide action.<sup>93</sup> CTV News Calgary reported that “[s]everal hundred protestors” rallied outside Foothills Medical Centre in Calgary as part of the protests organized by Canadian Frontline Nurses.<sup>94</sup> Around 100 people protested outside the Manitoba legislature and City Hall in Winnipeg, reportedly as part of the Canadian Frontline Nurses protests.<sup>95</sup>

59. On September 17, 2021, protestors gathered at schools in and around Salmon Arm, British Columbia. CBC News reported that protesters entered a school as part of an anti-vaccine and masking demonstration. CBC News also reported that protestors confronted health-care workers administering vaccines in a school parking lot.<sup>96</sup>

60. On September 18, 2021, around 400 protestors demonstrated outside of the Alberta legislature in Edmonton, reportedly as part of a “World Wide Rally” against public health measures relating to the COVID-19 Pandemic.<sup>97</sup>

61. On September 20, 2021, the federal election was held. The Liberal Party of Canada won a plurality of seats in the House of Commons.<sup>98</sup> Justin Trudeau continued

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<sup>93</sup> Michelle Bellefontaine, “Alberta Premier Jason Kenney condemns Hospital protests”, CBC, September 13, 2021, **COM00000519**.

<sup>94</sup> Tyson Fedor, “Protests against ‘medical tyranny’ held outside Calgary hospital”, CTV News, September 13, 2021, **COM00000526**.

<sup>95</sup> “Backlash prompts protesters against vaccine mandates to move away from Health Sciences Centre”, CBC, September 13, 2021, **COM00000524**.

<sup>96</sup> “Salmon Arm schools locked and secured after anti-vaccine protesters enter on Friday”, CBC, September 17, 2021, **COM00000531**.

<sup>97</sup> “Hundreds protest COVID-19 mandates at ‘freedom rally’ in Edmonton Saturday”, City News, September 18, 2021, **COM00000528**.

<sup>98</sup> Elections Canada, September 20, 2021 General Election National Results, Validated and Judicial Recount Results, **COM00000530**.





in office as Prime Minister at the head of a minority government. The Conservative Party of Canada formed the Official Opposition in the House of Commons.<sup>99</sup>

62. On September 25, 2021, hundreds protested in Montreal, reportedly in response to a new law adopted by the Quebec legislature that prohibited protests within 50 metres of hospitals, vaccine clinics and schools.<sup>100</sup>

63. On October 9, 2021, several hundred protesters marched in Montreal against vaccine mandates for health-care workers. The Montreal Gazette reported that “roughly 600 people” participated in the demonstration.<sup>101</sup>

64. On October 28, 2021, a British Columbia resident who travels internationally for work commenced a proceeding in the Federal Court challenging the federal government’s vaccine mandate for air travellers. The plaintiff alleged that the vaccine mandate violated his *Charter* rights. In reasons dated February 14, 2022, Justice Norris granted the federal government’s motion to strike the claim on the basis that it disclosed no reasonable cause of action.<sup>102</sup> The plaintiff filed a motion for extension of time to appeal the Federal Court’s judgment on August 26, 2022 in a proceeding bearing Court File number 22-A-15.

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<sup>99</sup> Amanda Connolly, “Liberals projected to form minority government; Trudeau bills win as ‘clear mandate’”, Global News, September 20, 2021, **COM00000535**.

<sup>100</sup> Selena Ross and Rob Lurie, “Two anti-vax protests in two days, including one at a school, as Quebecers challenge new law”, CTV News, September 25, 2021, **COM00000533**.

<sup>101</sup> Jason Magder, “Anti-Vaxxers march in Montreal to support unvaccinated health-care workers”, Montreal Gazette, October 9, 2021, **COM00000532**.

<sup>102</sup> *Zbarsky v. Canada*, 2022 FC 195, **COM00000562**.





65. On November 11, 2021, protestors rallied in Kelowna, British Columbia. CBC News reported that around 75 to 100 demonstrators turned out to rally against vaccine mandates.<sup>103</sup>

66. An employee of a third-party supplier to the federal government challenged the federal government's vaccine mandate for third-party suppliers' personnel in the Federal Court. The employee was unvaccinated and had a family history of heart disease. He was informed by his employer that he would be terminated in order for the employer to comply with the policy. In reasons dated November 13, 2021, Justice McHaffie dismissed the employee's motion for an interlocutory injunction restraining the implementation of the policy.<sup>104</sup> The employer filed a motion to strike for mootness on July 18, 2022. The hearing of the motion is scheduled to take place on December 6-7, 2022.

67. On November 16, 2021, Canadian Border Services Agency officers stopped Brigitte Belton, a truck driver from Wallaceburg, Ontario, at the Windsor-Detroit crossing for failing to wear a mask. She posted a video on TikTok discussing the event. In the video, she voiced frustration and emotion with public health measures. She said, "In Canada, we're no longer free...I'm done. I'm done. I don't know what I'm going to do

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<sup>103</sup> "Protest against vaccine mandates at Kelowna Remembrance Day gathering was 'a step too far,' RCMP say", CBC, November 11, 2021, **COM00000534**.

<sup>104</sup> *Lavergne-Poitras v. Canada (Attorney General)*, 2021 FC 1232, **COM00000557**.

next, but I'm done.”<sup>105</sup> Brigitte Belton would later connect with Chris Barber, a trucker from Saskatchewan with a large following on TikTok.<sup>106</sup>

68. On November 22, 2021, a group of federal government employees sought judicial review in the Federal Court challenging the federal government's vaccine mandate for its civil servants. They moved for an interlocutory injunction prohibiting the implementation of the vaccine mandate until the judicial review was decided. The employees had previously commenced another proceeding as an action, however, the Federal Court ruled that injunctive relief in this context was only available through an application for judicial review.<sup>107</sup> In reasons dated December 2, 2021, Justice Fothergill dismissed the employees' motion for an injunction.<sup>108</sup> The Federal Court of Appeal dismissed the employees' appeal on the ground of mootness.<sup>109</sup> The Attorney General of Canada has filed a motion to dismiss the application which will be heard on October 31, 2022.

69. On November 20, 2021, the federal government amended its *Quarantine Act* orders to impose a general requirement on all foreign nationals to be fully vaccinated to

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<sup>105</sup> Gidget\_642, TikTok.com, Nov 16, 2021, **COM00000589**; Andrew Lawton, *The Freedom Convoy: The Inside Story of Three Weeks that Shook the World* (Toronto: Sutherland House, 2022) at 3-4, **COM00000563**.

<sup>106</sup> Rachel Parent, “Freedom Convoy plans to gridlock Ottawa until all vaccine mandates repealed”, National Post, January 28, 2022, **COM00000544**; Andrew Lawton, *The Freedom Convoy: The Inside Story of Three Weeks that Shook the World* (Toronto: Sutherland House, 2022) at 7-8, **COM00000563**.

<sup>107</sup> *Wojdan v. Canada*, 2021 FC 1244, **COM00000612**.

<sup>108</sup> *Wojdan v. Canada (Attorney General)*, 2021 FC 1341, **COM00000561**.

<sup>109</sup> *Wojdan v. Canada (Attorney General)*, 2022 FCA 120, **COM00000613**.

enter Canada, whether or not the travel was optional or discretionary.<sup>110</sup> This requirement would come into effect on January 15, 2022. Although there were some exceptions to this requirement, none related specifically to commercial truckers.<sup>111</sup> A few days later, on November 24, 2021, the Biden administration in the United States announced that it would require all essential foreign travelers into the US to be fully vaccinated as of January 22, 2022.<sup>112</sup> The announcement followed an earlier announcement from the United States Department of Homeland Security on October 12, 2021, which had stated that the department would require all inbound foreign nationals, including essential travelers such as truckers, to be vaccinated.<sup>113</sup>

70. The Amalgamated Transit Union, Local 113 grieved the Toronto Transit Commission's introduction of a vaccine mandate and the National Organized Workers Union grieved the Sinai Health System's introduction of a vaccine mandate. In a joint proceeding, the unions applied to the Superior Court of Ontario for interim injunctive relief restraining their respective employers from enforcing the vaccine mandates. In

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<sup>110</sup> Public Order Emergency Commission, *Overview Report: The COVID-19 Pandemic and Government Responses*.

<sup>111</sup> Public Order Emergency Commission, *Overview Report: The COVID-19 Pandemic and Government Responses*.

<sup>112</sup> Zeke Miller, "US to require vaccines for all border crossers in January", Associated Press, November 24, 2021, **COM00000537**.

<sup>113</sup> Department of Homeland Security, "Secretary Mayorkas to Allow Fully Vaccinated Travelers from Canada and Mexico to Enter U.S. at Land Borders and Ferry Crossings", October 12, 2021, **COM00000602**.

reasons dated November 20, 2021, Justice Akbarali rejected the unions' application for an injunction.<sup>114</sup>

71. Also on November 20, 2021, CBC News reported that tens of thousands of protestors demonstrated against COVID-19 public health measures and vaccine mandates across Europe.<sup>115</sup>

72. On December 11, 2021, “[h]undreds of people” reportedly participated in a “Freedom Rally” against vaccine mandates in Moncton, New Brunswick.<sup>116</sup>

73. On December 18, 2021, a group of “a couple hundred” protesters opposed to vaccine mandates demonstrated in Fredericton, New Brunswick.<sup>117</sup>

74. On December 22, 2021, the CCF filed a petition in the Supreme Court of British Columbia challenging the validity of British Columbia’s vaccine passport regime. The petition alleged that British Columbia’s failure to provide an effective, comprehensive, and accessible regime for medical exemptions was discriminatory and therefore of no force or effect.<sup>118</sup> The challenge is ongoing at this time.

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<sup>114</sup> *Amalgamated Transit Union, Local 113 v. Toronto Transit Commission*, 2021 ONSC 7658, **COM00000551**.

<sup>115</sup> “Tens of thousands protest COVID-19 restrictions, vaccine requirements across Europe”, CBC, November 20, 2021, **COM00000540**.

<sup>116</sup> “Moncton Rally Shuts Down Part Of Main Street” Bend 91.9, December 11, 2021, **COM00000538**.

<sup>117</sup> Laura Brown, “‘It’s trivializing the lives who so greatly suffered’: Outrage continues after Holocaust imagery used in anti-mandate rally”, CTV News, December 20, 2021, **COM00000541**.

<sup>118</sup> *Canadian Constitution Foundation v British Columbia*, Petition to the Court, **COM00000539**.



## Organization of the Convoy and its Movement to Ottawa

75. On January 11, 2022, Chris Barber posted a video to his TikTok account informing his followers that the organizer of the United We Roll convoy from 2019 was supportive of the Freedom Convoy.<sup>119</sup>

76. On January 12, 2022, a spokesperson for the Canada Border Services Agency stated that as of January 15, 2022, unvaccinated Canadian truck drivers would be permitted to enter Canada without having to quarantine.<sup>120</sup> On January 13, 2022 the federal Ministers of Health, Transport and Public Safety released a statement indicating that this information was provided in error, and that, as previously announced on November 19, 2022, all truck drivers would be subject to the vaccination requirement, which would come into force on January 15, 2022. The announcement stated that while foreign nationals who were not fully vaccinated would be denied entry to Canada, unvaccinated or partially vaccinated Canadians, permanent residents, and persons registered under the *Indian Act* could not be denied entry. Instead, they would be subject to testing and quarantine requirements.<sup>121</sup>

77. On January 13, 2022, Chris Barber, Brigitte Belton, James Bauder, and others, attended a Facebook Live meeting hosted by Pat King. The group discussed routes and

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<sup>119</sup> chrisbarber1691, TikTok.com, January 11, 2022, **COM00000572**.

<sup>120</sup> Steve Scherer, "Canada drops vaccine mandate for its truckers after pressure from industry" *Reuters*, January 13, 2022, **COM00000362**; Peter Zimonjic, "Federal government now says all truckers crossing border must be fully vaccinated.", *CBC*, January 13, 2022, **COM00000263**.

<sup>121</sup> Public Health Agency of Canada, *Requirements for truckers entering Canada in effect as of January 15, 2022*, January 13, 2022, **COM00000276**.

logistics for the Freedom Convoy before an audience that reportedly reached 3000 viewers at one point.<sup>122</sup>

78. On January 14, 2022, Tamara Lich created a Facebook page and GoFundMe campaign for the Freedom Convoy.<sup>123</sup>

79. On January 22-23, 2022, two contingents of Freedom Convoy participants departed for Ottawa from Prince Rupert and Vancouver, respectively. CBC News reported that the participants' intent was to meet in Calgary to travel to Ottawa together.<sup>124</sup> CTV News reported "[h]undreds of big rigs" were headed for Ottawa and reported that the GoFundMe campaign had raised more than \$3 million and continued to grow.<sup>125</sup> The National Post reported that two other convoy contingents were planned to depart for Ottawa from Enfield, Nova Scotia and Windsor, Ontario, respectively, on January 27, 2022.<sup>126</sup>

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<sup>122</sup> Mr. King's Facebook page is no longer accessible but the content of the meeting is described in Andrew Lawton, *The Freedom Convoy: The Inside Story of Three Weeks that Shook the World* (Toronto: Sutherland House, 2022) at 10-11, **COM00000563**.

<sup>123</sup> Facebook.com, Freedom Convoy 2022, **COM00000577**; Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p 2, **GFM00000583**; Affidavit of Tamara Lich, dated March 28, 2022, para 3, Supplementary Motion Record of the Mareva Respondents, p 44, **HRF00000428**.

<sup>124</sup> CBC News, Anti-vaccine-mandate truck convoy passing through Alberta on way to Ottawa, January 23, 2022, **COM00000625**.

<sup>125</sup> CTV News, Truckers heading to Ottawa to protest vaccine mandate, January 24, 2022, **COM00000629**.

<sup>126</sup> National Post, Cross-country truckers convoy departs B.C. for Ottawa to protest vaccine mandate, January 20, 2022, **COM00000626**.

80. On January 24, 2022, CBC News reported that “[h]undreds of transport trucks [were] travelling through Saskatchewan on their way to Ottawa” as part of the Freedom Convoy.<sup>127</sup>

81. On January 25, 2022, Global News reported that the GoFundMe campaign had raised more than \$4.5 million CAD.<sup>128</sup>

82. On January 26, 2022, the Toronto Sun reported that the line of vehicles participating in the Freedom Convoy was “said to be considerably longer” than 7.6 km with estimates suggesting 50,000 trucks were participating in the protest.<sup>129</sup> Benjamin Dichter was quoted by the Toronto Sun as saying that it was over 70 km long.<sup>130</sup> The Toronto Sun also reported that the GoFundMe campaign had raised \$5 million CAD.<sup>131</sup>

83. On January 27, 2022, CBC News reported that 70 vehicles departed from Prince Edward Island to link up with the eastern contingent of the Freedom Convoy bound for Ottawa.<sup>132</sup> CBC News also reported that around 24 trucks departed for Ottawa from

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<sup>127</sup> CBC News, Convoy travels through Sask. to protest vaccine mandates for truck drivers, January 24, 2022, **COM00000628**.

<sup>128</sup> Global News, GoFundMe confirms trucker freedom convoy funds being held until ‘clear plan’ is revealed, January 25, 2022, **COM00000668**.

<sup>129</sup> Toronto Sun, WARMINGTON: 'Freedom' truckers may form world's longest convoy, January 26, 2022, **COM00000630**.

<sup>130</sup> Toronto Sun, WARMINGTON: 'Freedom' truckers may form world's longest convoy, January 26, 2022, **COM00000630**.

<sup>131</sup> Toronto Sun, WARMINGTON: 'Freedom' truckers may form world's longest convoy, January 26, 2022, **COM00000630**.

<sup>132</sup> CBC News, Trucker convoy headed to Ottawa 'peaceful,' says RCMP, January 27, 2022, **COM00000634**.



Fredericton.<sup>133</sup> The National Post reported that up to 2,000 trucks were due to arrive in Ottawa on January 28-29, 2022.<sup>134</sup>

84. On January 28, 2022, a contingent of Freedom Convoy participants reached Ottawa. However, the bulk of participants would not arrive until the next day.<sup>135</sup>

85. Further evidence on the origins and development of the Freedom Convoy, the protests in Ottawa, and the blockades at various points of entry is anticipated to be adduced during the public hearings.

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<sup>133</sup> CBC News, Some N.B. truckers join Ottawa-bound protest, but not with trucking group's blessing, January 27, 2022, **COM00000633**.

<sup>134</sup> National Post, Freedom Convoy plans to gridlock Ottawa until all vaccine mandates repealed, January 27, 2022, **COM00000544**.

<sup>135</sup> CBC News, The convoy crisis in Ottawa: A timeline of key events, February 17, 2022, **COM00000665**; National Post, Freedom Convoy plans to gridlock Ottawa until all vaccine mandates repealed, January 27, 2022, **COM00000544**.





**Appendix “A” – Table of Court Challenges**  
**Provided by Department of Justice, National Litigation Sector**

**QUARANTINE ACT MEASURES LITIGATION**

|     | Style of Cause                                                                        | Court / Court File No                                         | Date Commenced    |
|-----|---------------------------------------------------------------------------------------|---------------------------------------------------------------|-------------------|
| 1.  | Sajjad ASGHAR v His Majesty the King in Right of Canada                               | Federal Court – T-446-21                                      | March 10, 2021    |
| 2.  | Sajjad ASGHAR v His Majesty the King in Right of Canada                               | Federal Court – T-674-21                                      | April 26, 2021    |
| 3.  | Jennifer BIGNELL, Faces of Advocacy et al c Procureur Général du Canada               | Quebec Superior Court -<br>500-17-115650-213                  | February 23, 2021 |
| 4.  | Canadian Constitution Foundation et al v Attorney General of Canada                   | Ontario Superior Court of<br>Justice -<br>CV-21-00658538-0000 | March 8, 2021     |
| 5.  | Dominic COLVIN v The Attorney General of Canada et al                                 | Federal Court – T-341-21                                      | February 22, 2021 |
| 6.  | Dominic COLVIN v The Attorney General of Canada                                       | Federal Court of Appeal –<br>A-193-21                         | July 9, 2021      |
| 7.  | Steven DUESING and Nicole MATHIS v The Attorney General of Canada                     | Federal Court – T-366-21                                      | February 26, 2021 |
| 8.  | Darcy Dale ELENIAK v Public Health Agency of Canada                                   | Supreme Court of British<br>Columbia – 21 0931                | March 19, 2021    |
| 9.  | Corrine JANZEN and Cody TILBURY v Minister of Health                                  | Federal Court – T-1738-22                                     | August 22, 2022   |
| 10. | Carol PALMER and Claire Natalie VOSLOO v His Majesty the King (Proposed Class Action) | Federal Court – T-915-21                                      | June 8, 2021      |
| 11. | Rebel News Network Ltd and Kean Bexte v Attorney General of Canada                    | Federal Court – T-480-21                                      | March 15, 2021    |
| 12. | Kean BEXTE v Attorney General of Canada                                               | Federal Court of Appeal –<br>A-191-21                         | July 7, 2021      |
| 13. | Gordon SMITH v His Majesty the King                                                   | Federal Court – T-550-21                                      | March 30, 2021    |



|     | Style of Cause                                               | Court / Court File No              | Date Commenced    |
|-----|--------------------------------------------------------------|------------------------------------|-------------------|
| 14. | Barbara SPENCER et al v The Attorney General of Canada et al | Federal Court – T-340-21           | February 19, 2021 |
| 15. | Barbara SPENCER et al v The Attorney General of Canada       | Federal Court of Appeal – A-183-21 | June 30, 2021     |
| 16. | Joel Allan SUMNER v His Majesty the King                     | Federal Court – T-355-21           | February 23, 2021 |
| 17. | Amanda YATES et al v Attorney General of Canada              | Federal Court – T-1736-22          | August 23, 2022   |

### VACCINE MANDATE LITIGATION

|    | Style of Cause                                                   | Court / Court File No                                              | Date Commenced    |
|----|------------------------------------------------------------------|--------------------------------------------------------------------|-------------------|
| 1. | Action4Canada et al v Prime Minister Justin Trudeau et al        | Supreme Court of British Columbia – VLC-S-S-217586                 | August 17, 2021   |
| 2. | Karen ADELBERG et al v His Majesty the King et al                | Federal Court – T-1089-22                                          | May 30, 2022      |
| 3. | Bernard ALBERT et al v Canada Post et al                         | Federal Court – T-1436-22                                          | July 12, 2022     |
| 4. | Steven BARROW v Attorney General of Canada                       | Ontario Superior Court of Justice, Small Claims – SC22001621830000 | August 17, 2022   |
| 5. | L'Honorable Maxime BERNIER c Procureur Général du Canada         | Federal Court – T-247-22                                           | February 11, 2022 |
| 6. | Darren BLANCHARD v His Majesty the King in Right of Canada et al | Court of King's Bench of Alberta – 2203 09246                      | June 14, 2022     |
| 7. | Joseph Nelson BORDIERI v Treasury Board of Canada                | British Columbia Small Claims Court – 22 0240                      | July 6, 2022      |
| 8. | Magalie CHARLEBOIS-CHAURET et al c Procureur Général du Canada   | Quebec Superior Court - 550-17-012284-210                          | November 15, 2021 |
| 9. | Magalie CHARLEBOIS-CHAURET c Procureur Général du Canada         | Federal Court – T-867-22                                           | April 27, 2022    |



|     | Style of Cause                                                                                           | Court / Court File No                                      | Date Commenced    |
|-----|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-------------------|
| 10. | Adam COURBETIS et al v Purolator Inc et al                                                               | Federal Court – T-1267-22                                  | June 17, 2022     |
| 11. | Pranoy CHOWDHURY v His Majesty the King                                                                  | Federal Court – T-1729-21                                  | November 15, 2021 |
| 12. | Natalie DESALLIERS c Procureur Général du Canada                                                         | Federal Court – T-1070-22                                  | May 26, 2022      |
| 13. | Maya EL-HARAKÉ c Procureur Général du Canada                                                             | Federal Court – T-986-22                                   | May 11, 2022      |
| 14. | Andrew Robert GIRARD et al v Minister of Transport et al                                                 | Federal Court – T-553-22                                   | March 7, 2022     |
| 15. | Isabelle HÉBERT c Procureur Général du Canada                                                            | Federal Court – T-724-22                                   | April 7, 2022     |
| 16. | Michael INGEL v Prime Minister Justin Pierre James Trudeau et al                                         | Federal Court – T-1534-22                                  | July 26, 2022     |
| 17. | Shannon JONES v His Majesty the King in Right of Canada as represented by the Chief of the Defence Staff | Federal Court – T-1044-22                                  | May 24, 2022      |
| 18. | Sergey KAKUEV v Attorney General of Canada                                                               | Federal Court – T-215-22                                   | February 7, 2022  |
| 19. | Daniel KAMINECKI v His Majesty the King in Right of Canada et al                                         | Court of King's Bench of Alberta – 2203 09819              | June 24, 2022     |
| 20. | Lucien KHODEIR v Treasury Board                                                                          | Federal Court – T-1690-21                                  | November 5, 2021  |
| 21. | Lucien KHODEIR v Attorney General of Canada<br><i>Appeal re Motion to Strike</i>                         | Federal Court of Appeal –<br>A-24-22                       | January 21, 2022  |
| 22. | Lyne LAURIN c Procureur Général du Canada                                                                | Federal Court – T-853-22                                   | April 25, 2022    |
| 23. | David LAVERGNE-POITRAS v Attorney General of Canada and PMG Technologies                                 | Federal Court – T-1694-21                                  | November 8, 2021  |
| 24. | Steve LILLYCROP v The Business Development Bank of Canada (BDC) et al                                    | Court of King's Bench of Alberta – 2203 07562              | May 16, 2022      |
| 25. | Nepaul MCMORRIS v Attorney General of Canada and Saint Leonard's Society of Hamilton                     | Ontario Superior Court of Justice – CR 22-0004             | February 18, 2022 |
| 26. | Mohamad MOUSSA v Immigration Refugees and Citizenship Canada                                             | Ontario Superior Court of Justice –<br>CV-22-00089236-0000 | May 12, 2022      |

|     | Style of Cause                                                                                               | Court / Court File No                         | Date Commenced    |
|-----|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------------|
| 27. | Jocelyne MURPHY et Sherry RAFAI FAR c Procureur Général du Canada                                            | Federal Court – T-1718-21                     | November 12, 2021 |
| 28. | Jocelyne MURPHY c Procureur Général du Canada                                                                | Federal Court – T-991-22                      | May 16, 2022      |
| 29. | Nabil Ben NAOUM c Procureur Général du Canada                                                                | Federal Court – T-145-22                      | January 26, 2022  |
| 30. | John NESRALLAH v His Majesty the King in Right of Canada as represented by the Chief of the Defence Staff    | Federal Court – T-1259-22                     | June 17, 2022     |
| 31. | Peter NOTAR v His Majesty the King in Right of Canada et al                                                  | Court of King's Bench of Alberta – 2201 09497 | August 22, 2022   |
| 32. | The Honourable Brian A. PECKFORD et al v Attorney General of Canada                                          | Federal Court – T-168-22                      | February 1, 2022  |
| 33. | Elizabeth PODGURNY v His Majesty the King in Right of Canada et al                                           | Court of King's Bench of Alberta – 2201 08177 | July 19, 2022     |
| 34. | Sherry RAFAI FAR c Procureur Général du Canada                                                               | Federal Court – T-1003-22                     | May 16, 2022      |
| 35. | Dario REMENTERIA v His Majesty the King in Right of Canada et al                                             | Court of King's Bench of Alberta – 2201 07657 | July 7, 2022      |
| 36. | Shaun RICKARD and Karl HARRISON v Attorney General of Canada                                                 | Federal Court – T-1991-21                     | December 24, 2021 |
| 37. | Patrice ROBERT c Procureur Général du Canada                                                                 | Federal Court – T-1041-22                     | May 24, 2022      |
| 38. | Allan ROBINSON et al v Minister of Transport et al                                                           | Federal Court – T-554-22                      | March 9, 2022     |
| 39. | David SECRETAN v His Majesty the King et al                                                                  | Court of King's Bench of Alberta – 2201 07195 | June 24, 2022     |
| 40. | Ben SUTHERLAND v His Majesty the King in Right of Canada (Fisheries and Oceans), et al                       | Federal Court – T-1442-22                     | July 12, 2022     |
| 41. | Syndicat des Métallos et al c Procureur Général du Canada<br><a href="#">2022 QCCS 2455</a> (5 juillet 2022) | Quebec Superior Court –<br>500-17-119473-216  | December 21, 2021 |



|     | Style of Cause                                                                                                                                               | Court / Court File No                 | Date Commenced    |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------|
| 42. | Adam WOJDAN et al v Attorney General of Canada et al                                                                                                         | Federal Court – T-1704-21             | November 10, 2021 |
| 43. | Adam WOJDAN et al v Attorney General of Canada                                                                                                               | Federal Court – T-1765-21             | November 22, 2021 |
| 44. | Adam WOJDAN et al v Attorney General of Canada<br><i>Appeal of Interlocutory Injunction – Decision rendered June 22, 2022 (<a href="#">2022 FCA 120</a>)</i> | Federal Court of Appeal –<br>A-344-21 | December 9, 2021  |
| 45. | Leslie-Anne WOOD c Procureur Général du Canada                                                                                                               | Federal Court – T-742-22              | April 8, 2022     |
| 46. | Ira ZBARKY v His Majesty the King                                                                                                                            | Federal Court – T-1644-21             | October 28, 2021  |
| 47. | Ira ZBARKY v His Majesty the King<br><i>Appeal of Motion to Strike</i>                                                                                       | Federal Court of Appeal –<br>22-A-15  | August 8, 2022    |